IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SOMALTUS LLC,	§	
	§	
Plaintiff,	§	Case No: 4:17-cv-02440
	§	
vs.	§	**PATENT CASE**
	§	
ENERGIZER HOLDINGS, INC.,	§	
	§	
Defendant.	§	
	§	

COMPLAINT

Plaintiff Somaltus LLC ("Plaintiff" or "Somaltus") files this Complaint against Energizer Holdings, Inc. ("Defendant" or "Energizer") for infringement of United States Patent No. 7,657,386 (hereinafter "the '386 Patent").

PARTIES AND JURISDICTION

1. This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company with its principal office located at 2591 Dallas Parkway, Suite 300, Frisco, Texas 75034.

4. On information and belief, Defendant is a Missouri corporation having a place of business at 533 Maryville University Drive, St. Louis, Missouri 63141. On information and belief, Defendant may be served by serving its registered agent for service, CT Corporation

Systems, 120 South Central Avenue, Clayton, Missouri 63105.

5. This Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District. Upon information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the Eastern District of Missouri.

VENUE

6. Venue is proper in the Eastern District of Missouri pursuant to 28 U.S.C. § 1400(b) because Defendant is deemed to reside in this District. In addition, and in the alternative, Defendant has committed acts of infringement in this District and has a regular and established place of business in this District.

COUNT I
(INFRINGEMENT OF UNITED STATES PATENT NO. 7,657,386)

7. Plaintiff incorporates paragraphs 1 through 6 herein by reference.

8. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq*.

9. Plaintiff is the owner by assignment of the '386 Patent with sole rights to enforce the '386 patent and sue infringers.

10. A copy of the '386 Patent, titled "Integrated Battery Service System," is attached hereto as Exhibit A.

11. The '386 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

12. Upon information and belief, Defendants have infringed and continue to

infringe one or more claims, including at least Claim 8, of the '386 Patent by making, using, importing, selling, and/or offering for sale battery charging devices covered by one or more claims of the '386 Patent.

13. Defendants sell, offer to sell, and/or use power generation systems including, without limitation, the Energizer Recharge® Universal Charger (the "Product"), for example, and any similar devices, which infringe at least Claim 8 of the '386 Patent.

14. The Product controls charge signals when it charges batteries. For example, at Defendant's website at: http://data.energizer.com/pdfs/chfc2.pdf indicates that the Product provides at least two charging states – normal and trickle. This functionality dictates that charge signals are controlled by the Product.

15. The functionality of the Product includes detecting a current battery output level of the battery. For example, in order to determine the charging status, or to shut off main charging once the battery is fully charged, the Product has to detect the present output level of the battery. This functionality is likewise described in the product literature regarding the Product.

16. The Product also accesses a target charge level. For example, to shut off the charging and/or to switch from main charging to trickle charging, the Product must access a target charge level, such as a "full charge" level. The product literature at Defendant's website illustrates this functionality in terms of "charging done" and "shutoff detection." The Product is also advertised as having "Delta V Detection," which, on information and belief, is a feature according to which certain battery types may be switched from main charging to trickle charging upon reaching a designated target charge level.

17. The Product compares the current battery output level and the target charge

level. For example, in order to stop charging and/or switch from main to trickle charging, the Product must compare the current battery output level to the target level.

18. The Product alters a charge signal by adjusting an on/off period of an AC power source to a transformer coupled to the battery. For example, the Product includes a transformer, which is coupled to an AC power source. The Product is coupled to a battery for charging. The Product "alters the charge signal by adjusting an on/off period" by, for example, automatically turning on the power source to deliver power to the battery when a certain battery output level is reached and automatically turning off the power when a certain battery output level is reached. Further, for certain batteries, the Product may automatically switch from main to trickle charging when a certain charge level is reached. Thus, the product alters the charge signal by adjusting the on/off period of the AC power source.

19. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

20. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

21. Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 7,657,386 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c) Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: September 20, 2017

Respectfully submitted,

/s/ Anthony G. Simon

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